

ANITA HUTCHENS WALLACE,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

THIS MATTER comes before the Court on Defendant's Consent Motion for Entry of Judgment Under Sentence Four of 42 U.S.C. §405(g) with Reversal and Remand of the Cause to the Defendant, (Doc. No. 14).

Defendant, the Commissioner of Social Security, moves the Court to enter a judgment with a reversal and remand of the cause to the Commissioner, under sentence four of 42 U.S.C. §405(g). See Shalala v. Schaefer, 509 U.S. 292 (1993); Melkonyan v. Sullivan, 501 U.S. 89 (1991). Under sentence four of 42 U.S.C. §405(g), the Court has the power “to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying or reversing the decision of the [Commissioner], with or without remanding the cause for a rehearing.” See Shalala, 509 U.S. 292; Melkonyan, 501 U.S. 89.

In support of the Motion, Defendant states the following:

Following further consideration by the Appeals Council, the Commissioner has determined that remand would be appropriate, and, accordingly, requests that the court remand this case to the Appeals Council, so that it may issue a an order remanding this case to an ALJ for issuance of a new decision which properly addresses the existence of any overpayment and amount of such overpayment in accordance with the Social Security Act, applicable regulations and agency policy.


Counsel for the Commissioner has consulted with counsel for plaintiff herein, who has agreed to entry of this agreed remand order.

(Doc. No. 14 at 1-2).

IT IS, THEREFORE, ORDERED that:

1. Defendant's Consent Motion for Entry of Judgment Under Sentence Four of 42 U.S.C. §405(g) with Reversal and Remand of the Cause to the Defendant, (Doc. No. 14), is **GRANTED** and this matter is **REMANDED**;
2. Plaintiff's Motion for Summary Judgment, (Doc. No. 6), is **DISMISSED** without prejudice as **MOOT**.

Signed: November 26, 2012


Robert J. Conrad, Jr.
Chief United States District Judge

